

# Bereskin & Parr



# 22

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Practice Restricted to Intellectual Property Law

Scott Pundsack B.Ap.Sc. (Civ. Eng.), LL.B.  
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Your Reference: 09/425,234  
Our Reference: 4320-91

Application  
Serial No.: 09/425,234  
Filing Date: October 25, 1999

## RESPONSE

Title: MAINTENANCE CLEANING  
FOR MEMBRANES

Examiner: R. Popovics

Art Unit: 1723

Reference: 4320-91

Date: June 7, 2002

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JUN 13 2002  
TECHNOLOGY CENTER 1700

The Commissioner of Patents & Trademarks  
Washington, D.C.  
U.S.A. 20231

## RESPONSE

Dear Sir:

This is in response to the communication from the Examiner dated May 20, 2002. The Examiner states that the Applicants failed to adequately respond to the provisional obviousness type double patenting rejection relating to copending application no. 09/425,235. Filed under cover of the transmittal form for this response are:

please send your reply to

Meadowvale Corporate Centre, 2000 Argentia Road  
Plaza 4, Suite 430, Mississauga, Ontario, Canada L5N 1W1  
t: 905 812 3600 f: 905 814 0031

Scotia Plaza, 40 King Street West, 40th Floor  
Toronto, Ontario, Canada M5H 3Y2  
t: 416 364 7311 f: 416 361 1398

[www.bereskinparr.com](http://www.bereskinparr.com)

1. Papers for recording an assignment from the Applicants to Zenon Environmental Inc. and
2. A Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application made in relation to copending application number 09/425,235 and executed on behalf of the owner, Zenon Environmental Inc.

The Applicants submit that these documents remove the provisional double patenting rejection.

For the reasons given above, the applicants submit that the application is in condition for allowance.

Respectfully submitted,

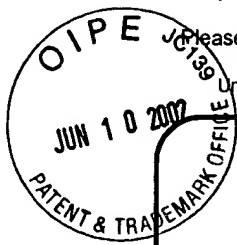
By: Scott Pundsack

Scott Pundsack

Registration No. 47,330

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1723\$



Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08/00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		<b>Application Number</b>	09/425,234
		<b>Filing Date</b>	October 25, 1999
		<b>First Named Inventor</b>	RABIE, Hamid
		<b>Group Art Unit</b>	1723
		<b>Examiner Name</b>	Robert J. Popovics
<b>Total Number of Pages in This Submission</b>	5	<b>Attorney Docket Number</b>	4320-91

RECEIVED JUN 13 2002 TECHNOLOGY CENTER 1100

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input checked="" type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	BERESKIN & PARR ; SCOTT PUNDACK , 47, 330
Signature	<i>Scott Pundack</i>
Date	June 7, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
Typed or printed name			
Signature		Date	

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 150.00

## Complete if Known

Application Number 09/425,234  
Filing Date October 25, 1999  
First Named Inventor RABIE, Hamid  
Examiner Name Robert J. Popovics  
Group Art Unit 1723  
Attorney Docket No. 4320-91

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account:  
Deposit Account Number 022095  
Deposit Account Name Bereskin & Parr

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid  
Total Claims - 20 \*\* = 0 X 0.00  
Independent Claims - 3 \*\* = 0 X 0.00  
Multiple Dependent 0 = 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	40.00
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) Terminal Disclaimer			110.00
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			150.00

## SUBMITTED BY

Name (Print/Type)	Scott R. Pundsack	Registration No. (Attorney/Agent)	47,330	Complete (if applicable)	Telephone (416) 364-7311
Signature	Scott Pundsack	Date	June 7, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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